

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:07-cr-197-01

v.

HONORABLE PAUL L. MALONEY

RODNEY THEODORE TILLMAN

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Rodney Theodore Tillman has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant is not eligible for a sentence modification. The defendant's guideline range is driven by the Career Offender enhancement. At sentencing, the Court departed downward by treating the defendant as a Criminal History Category IV. The Offense Level has not changed and the amendments are of no assistance to the defendant. The applicable

guideline range has not been lowered as a result of the amendment to the Sentencing Guidelines.

See United States v. Bridgewater, 606 F.3d 258, 260-01 (6th Cir. 2010); United States v. Washington, 584 F.3d 693, 700-01, (6th Cir. 2009). Accordingly,

IT IS HEREBY ORDERED that Defendant Rodney Theodore Tillman's motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 72) is **DENIED**.

IT IS FURTHER ORDERED that defendant's request for court appointed counsel is also **DENIED**.

Date: April 13, 2012

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge